

Background for Bucket #1

SEPA Threshold Determination

Summary of General Guidance

An environmental impact statement (the detailed statement required by RCW [43.21C.030\(2\)\(c\)](#)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact

- The determination of whether a proposed project or nonproject action will have probable significant adverse environmental impacts is the “threshold determination.”
- A threshold determination is required for all proposed state and local agency actions not exempt under the SEPA statute or SEPA Rules
- The threshold determination process is used to evaluate the environmental consequences of a proposal and to determine whether the proposal is likely to have any "significant adverse environmental impact."
- This determination is made by the lead agency and is documented in either a determination of nonsignificance (DNS), a mitigated determination of nonsignificance (MDNS), or a determination of significance (DS) requiring the subsequent preparation of an environmental impact statement (EIS).

What is a "significant" adverse environmental impact?

- The SEPA statute does not define or provide any guidance on the meaning of “significant”.
- WAC 197-11-794 defines "significant" as "a reasonable likelihood of more than a moderate adverse impact on environmental quality."
- Significant impacts will vary from one site to another and from one jurisdiction to another, both because of the conditions surrounding the proposal at a particular location, and because of the judgment of the responsible official.
- They are often non-quantifiable and involve the physical setting, and both the magnitude and duration of the impact.
- Key variables include *severity (or intensity) of impact, context (affected environment) and likelihood of occurrence.*
- A number of marginal impacts may together result in a significant impact.
- The absolute quantitative effects of a proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment.
- “Significant” is often contested in administrative and judicial SEPA appeals due to the lack of specific “thresholds” related to the various kinds of environmental impacts.

Considerations for Lead Agency:

- Is the proposal properly defined as required in WAC 197-11-060 (3)?
- WAC [197-11-330](#) specifies a threshold determination process, including criteria and procedures.
- Have likely adverse environmental impacts been identified and mitigation taken into account—particularly those required under development and permit regulations?
- Does the proposal establish a precedent for future actions with significant effects, involve unique and unknown risks to the environment, or may affect public health or safety?
- What are the regulatory gaps or remaining significant adverse environmental impacts that have not been mitigated to a non-significant level?
- Have the beneficial aspects of a proposal not been used to balance adverse impacts in determining significance?
- Have all or part of the proposal, alternatives, or impacts been analyzed in a previously prepared environmental document, which can be used, adopted, or incorporated by reference?
- Are there existing conflicts with local, state, or federal laws or requirements for the protection of the environment?